

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

THOMAS BECKMANN and ALEXANDER MASSNER
Junior Party
(Patent No. 7,584,605),
v.

HAREN S. GANDHI, JOHN VITO CAVATAIO,
ROBERT HENRY HAMMERLE, and
YISUN CHENG
Senior Party
(Application No. 12/877,901).

Patent Interference No. 105,822 (SCM)
(Technology Center 1700)

DECLARATION – Bd. R. 203(b)¹

Part A. Declaration of Interference

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count(s) and claims designated as corresponding or as not corresponding to the count(s) appear in Parts E and F of this DECLARATION.

¹ “Bd. R. x” may be used as shorthand for “37 C.F.R. § 41.x”. 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 Part B. Judge managing the interference

2 Administrative Patent Judge Sally C. Medley has been designated to manage
3 the interference. Bd. R. 104(a).

4 Part C. Standing order

5 A Trial Section STANDING ORDER [SO] (Paper 2) accompanies this
6 DECLARATION. The STANDING ORDER applies to this interference.

7 Part D. Initial conference call

8 A telephone conference call to discuss the interference is set for 1:30 p.m.
9 on 1 September 2011 (the Board will initiate the call).

10 No later than four business days prior to the conference call, each party
11 shall file and serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd.R. 120; Bd.R. 204;
12 SO ¶¶ 104.2.1, 120 & 204) the party intends to file.

13 A sample schedule for taking action during the motion phase appears as
14 Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the
15 schedule prior to the conference call and to agree on dates for taking action. A
16 typical motion period lasts approximately eight (8) months. Counsel should be
17 prepared to justify any request for a shorter or longer period.

1 Part E. Identification and order of the parties

2 Junior Party

3 Named Inventors: THOMAS BECKMANN, Stuttgart, Germany
4 ALEXANDER MASSNER, Esslingen, Germany
5

6 Involved Application: Patent 7,584,605 issued 8 September 2009, based
7 on application 10/576,959, filed 26 January 2007

8 Title: Internal combustion engine with exhaust-gas
9 purification system, and method for purifying the
10 exhaust gas from an internal combustion engine

11 Assignee: Daimler AG

12 Senior Party

13 Named Inventors: HAREN S, GANDHI, West Bloomfield, MI
14 JOHN VITO CARATAIO, Dearborn, MI
15 ROBERT HENRY HAMMERLE, Franklin, MI
16 YISUN CHENG, Ann Arbor, MI
17

18 Involved Patent Application No. 12/877,901, filed 8 September
19 2010

20 Title: Catalyst system for the Reduction of NOX and
21 NH3 emissions

22 Assignee: none

23 The senior party is assigned exhibit numbers 1001-1999. The junior party is
24 assigned exhibit numbers 2001-2999. Bd.R. 154(c)(1); SO ¶ 154.2.1. The senior
25 party is responsible for initiating settlement discussions. SO ¶ 126.1.

1 Part F. Count and claims of the parties

2 Count 1

3 Claim 1 of Beckmann's Patent

4 or

5 Claim 3 of Gandhi's Application

6 The claims of the parties are:

7 Beckmann: 1-4

8 Gandhi: 3-17

9 The claims of the parties which correspond to Count 1 are:

10 Beckmann: 1-4

11 Gandhi: 3-17

12 The claims of the parties which do not correspond to Count 1 are:

13 Beckmann: none

14 Gandhi: none

15 The parties are accorded the following benefit for Count 1:

16 Beckmann: PCT/EP2004/010448, filed 17 September 2004

17 German 103 49 876, filed 25 October 2003

18 Gandhi: application 12/706,558, filed 16 February 2010

19
20 application 12/325,787, filed 1 December 2008, now
21 patent 7,674,743, issued 9 March 2010

22
23 application 11/684,064, filed 9 March 2007, now patent
24 7,485,273, issued 3 February 2009

25
26 application 10/065,470, filed 22 October 2002, now
27 patent 7,332,135, issued 19 February 2008

1 Part G. Heading to be used on papers

2 The following heading must be used on all papers filed in this interference,
3 see SO ¶ 106.1.1:

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9
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11 Junior Party
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24 Part H. Order form for requesting file copies

25 When requesting copies of files, use of SO Form 4 will greatly expedite
26 processing of the request. Please attach a copy of Parts E and F of this
27 DECLARATION with a hand-drawn circle around the patents and applications for
28 which a copy of a file wrapper is requested.

29 /Sally C. Medley/
30 Administrative Patent Judge
31

1 Enc:

2 Copy of STANDING ORDER (March 2011)

3 Copy of claims of Application 12/877,901

4 Copy of Patent 7,584,605

5
6 cc (via overnight delivery):

7 Attorney for Beckmann:

8 Mark H. Neblett, Esq.

9 CROWELL & MORING LLP

10 INTELLECTUAL PROPERTY GROUP

11 1001 PENNSLYVANIA AVE., N.W.

12 WASHINGTON DC 20004-2595

13
14 Attorney for Gandhi:

15 R. Danny Huntington, Esq.

16 ROTHWELL, FIGG, ERNST & MANBECK, P.C.

17 1425 K STREET, N.W.

18 SUITE 800

19 WASHINGTON DC 20005